(31)

11/10/07

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 6062 of 2007

PETITIONER G.R. Chandra, s/o Shri Jagat Ram Chandra, Aged about 61 years, presently working as Block Education Officer, Block Jaijaipur, Distt. Janjgir Champa (C.G)

Versus

RESPONDENTS

1 State of Chhattisgarh, through the Secretary, Department of School Education, D.K.S. Bhawan, Mantralaya, Raipur (C.G).

2 The Director, Directorate of Public Instructions, in front of Education Board, Pension Bada, Raipur (C.G).

3 The District Education Officer, Distt. Janjgir Champa (C.G)

4 Shri P.L. Kaushik, Lecturer, Diet, Janjgir Distt. Janjgir Champa (C.G)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Ravi Maheshwari, counsel for the petitioner.

Ms. Sunita Jain, Panel Lawyer, for the State/respondents No.1 to 3, on advance copy.

ORAL ORDER
(10.10.2007)

SUNIL KUMAR SINHA, J.

Heard finally with the consent of the parties.

The petitioner who is working on the post of Block Education Officer, Jaijaipur has been transferred from his present place of posting to Government Boys Higher Secondary School, Sakti, Distt. Janjgir Champa, on administrative ground.

Learned counsel for the petitioner argues that the date of birth of the petitioner is 01.4.1946, according to which the petitioner will have to retire on 31.03.2008, therefore, according to the Clause 7 of the transfer policy dated 13th of June, 2007, the petitioner should not have been transferred from his present place of posting in the manner as above and his transfer would be governed by Clause 7 of the said policy.

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I have gone through the contents of the writ petition and have also perused the records annexed with the petition. As per the representation (Annexure P-5), the date of birth of the petitioner is 01.04.1946 and the petitioner has stated that he is to retire on 31.3.2008. This pleading has also been taken vide Para 5.6 of the writ petition.

The contents of clause 7 of the policy are as under:

"7. जिन शासकीय सेवकों की सेवानिवृत्ति के लिए 1 वर्ष का समय शेष रह गया हो, उन्हें गृह जिले में अथवा उनके विकल्प के जिले में पदस्थ किया जा सकेगा, यदि सामान्य पुस्तक परिपत्र के अनुसार यह अनुज्ञेय हो।"

Since less than one year is left for the retirement of the petitioner, certainly his case would have been governed by the provisions of Clause 7 of the Policy, but the same has not been done, therefore, in the opinion of this Court, ends of justice would be served if the petitioner is directed to file a representation before the concerned authority and the concerned authority is directed to dispose of the same within the stipulated period granted by this Court keeping in mind the provisions of Clause 7 of the Policy dated 13th of June 2007.

Accordingly, this petition is disposed of with a direction that if so advised the petitioner may file a detailed representation before the concerned authority within a period of 3 weeks from today along-with a copy of this order and copy of the writ petition raising his grievances and if such a representation is filed, the concerned authority shall dispose of the same as early as possible preferably within a period of two months from the date of receipt of such representation keeping in mind the provisions of clause 7 of the said policy.

It is further directed that in the meanwhile, the petitioner shall not be relieved from his present place of posting that is from Jaijaipur and he shall be allowed to continue there.

The petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

Rao